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June 22, 2000

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JUN 22 2000

FEDERAL COMMUNICATIONS COMMISSION  
 OFFICE OF THE SECRETARY

**BY HAND DELIVERY**

Magalie Roman Salas, Esquire

Secretary

Federal Communications Commission

445 12th Street, S.W., Room TW-B204

Washington, D.C. 20554

Re: MM Docket No. 99-215/  
 RM-9337  
Mason, Texas

Dear Ms. Salas:

Transmitted herewith, on behalf of Jayson D. Fritz and Janice M. Fritz, are an original and four copies of their "Reply Comments on Counterproposal" in the above-referenced proceeding.

Should any further information be required concerning this matter, please communicate with this office.

Very truly yours,  
 FLETCHER, HEALD & HILDRETH, P.L.C.



Anne Goodwin Crump

Counsel for Jayson D. Fritz and Janice M. Fritz

AGC:mah  
 Enclosures

cc: Mr. Robert Hayne (with enclosure) **By Hand Delivery**

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BEFORE THE  
**Federal Communications Commission**  
WASHINGTON, D.C. 20554

ORIGINAL

In the Matter of	)	
	)	
Amendment of Section 73.202(b),	)	MM Docket No. 99-215
Table of Allotments, FM Broadcast Stations.	)	RM-9337
(Mason, Texas)	)	

Directed to: Chief, Allocations Branch

**REPLY COMMENTS ON COUNTERPROPOSAL**

Jayson D. Fritz and Janice M. Fritz ( the "Fritzes"), by their attorneys, hereby respectfully submit their Reply Comments in the above-captioned proceeding, in response to the Commission's *Public Notice*, Report No. 2416, released June 8, 2000, in which the Commission invited Reply Comments with regard to the Counterproposal of Munbilla Broadcasting Corporation ("Munbilla"). With respect thereto, the following is stated:

1. BK Radio (the petitioner in this proceeding), the Fritzes, and Foxcom, Inc. ("Foxcom") are all mutually exclusive applicants for a construction permit for a new FM broadcast station to operate on Channel 249C2 at Mason. BK Radio has sought to eliminate the mutual exclusivity by requesting the allotment of additional channels at Mason, so that each applicant may receive a construction permit, and an additional channel will be available for other parties which might express an interest a channel at Mason. The Commission issued a *Notice of Proposed Rule Making*, DA 99-1142, released June 11, 1999 ("*NPRM*"), in which it proposed to allot the additional channels requested by BK Radio.

2. In Munbilla's Counterproposal filed in response to the *NPRM*, it proposed the allotment of Channel 239C2 to Menard, Texas, as a first local transmission service, the substitution of Channel 273C2 for Channel 249C2 at Mason, and the allotment of Channel 249C2 to Fredericksburg, Texas, as a second local transmission service.

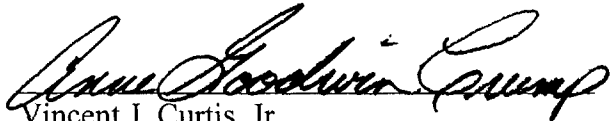
3. Subsequently, BK Radio and the Fritzes both filed pleadings demonstrating that the Munbilla Counterproposal must be dismissed due to the proposed Fredericksburg allotment's short-spacing to the previously filed, and cut-off, proposal for Station KVCQ(FM), Luling, Texas, in MM Docket No. 98-198. In the interim between those filings and the Commission's *Public Notice* in this proceeding, however, the Commission has instead in MM Docket 99-357 substituted Channel 249C1 for Channel 248C3 at Cuero, Texas, has reallocated Channel 249C1 to McQueeney, Texas, and has modified the license for KVCQ(FM) to specify the new channel and community. *Report and Order, Eldorado, et.al., Texas*, DA 00-1165, released May 26, 2000 ("R&O"). Munbilla's proposed Fredericksburg allotment also is short-spaced to the McQueeney allotment, in that the reference co-ordinates for McQueeney are separated from the proposed reference co-ordinates for Channel 249C2 at Fredericksburg by only approximately 177 kilometers rather than the 224 kilometers required by Section 73.207 of the Commission's Rules. Clearly, therefore, in light of the McQueeney allotment, Channel 249C2 cannot be allotted to Fredericksburg in compliance with the Commission's Rules. Accordingly, Munbilla's proposal for this allotment must be dismissed.

4. In the *R&O* in MM Docket 99-357, the Commission also substituted Channel 281C2 for Channel 249C2 at Mason. In addition, parties filing comments in that proceeding identified additional channels available for use at Mason. As the Fritzes previously indicated therein, they

would accept and not oppose the allotment of Channel 289C2 as an additional channel at Mason, provided that the Fritzes be directed to amend their application to Channel 289C2 at their currently specified transmitter site without loss of cut-off protection. It is the Fritzes' understanding that this substitution may be made in accordance with the Commission's Rules.

Respectfully submitted,

JAYSON D. FRITZ AND JANICE M. FRITZ

By:   
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Their Attorneys

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June 22, 2000

**CERTIFICATE OF SERVICE**

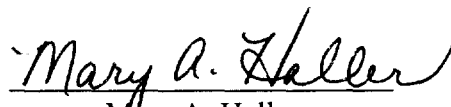
I, Mary A. Haller, a secretary in the law firm of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that true copies of the foregoing "Reply Comments on Counterproposal" were sent this 22<sup>nd</sup> day of June, 2000, by United States mail, postage prepaid, to the following:

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Mary A. Haller